



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,649	01/21/2004	Joon Park	151-14	5296
30367	7590	02/04/2008		
ALLEN A. DICKE, JR. 224 MALL WAY ANAHEIM, CA 92804			EXAMINER DEMILLE, DANTON D	
			ART UNIT	PAPER NUMBER
			3771	
			MAIL DATE	DELIVERY MODE
			02/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/762,649	PARK, JOON	
	Examiner	Art Unit	
	Danton DeMille	3771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,8,10,11,13,15,16,20,23-29,34,35 and 37-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4 and 6 is/are allowed.
- 6) ☒ Claim(s) 5,8,10,11,13,15,16,20,23-29,34,35 and 37-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment filed 01 October 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: New drawings 8, 9, 10 include new details that were never shown before as evidenced by a totally new support structure and frame in figure 9 as compared to original figure 1. The amendments to the specification also add new details that were not originally supported. All new references numbers refer to modified elements from the original disclosure. For example, the pair of armrests were previously recited as being disposed in the first support surface. Now they are supported by the base frame that includes a new vertical post 219. The base frame includes a new horizontal foot that includes wheels. The bed shape is now modified by actuators recited as being electric motors including gear motors and pneumatic actuators. There is now a support extension 212a that is longitudinally and movably mounted at slots 229. New is a handle 230 rotatably coupled to extension 212a and threadedly engaged with a nut bracket. Pad 204 is slidably mounted by a bracket 233 to a gear rack 231 retained within a U-shaped retainer 235. Two identical racks 231 may be moved simultaneously to and away from a pinion 237 that may be rotated by an electrical actuator. New is an idler 243, load cell or force sensor 257. New is an upper housing 262 having a convex arcuate surface 264, a lower housing 266 having a concave arcuate surface 268.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claims 5, 8, 10, 37, 38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement as set forth above. The claim(s) contains

subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 5 recites a rotary motor with a belt. It is not clear where there is support in the original specification for a rotary motor with a belt.

Claim 8 recites that the second support is rotatably mounted to the base frame. As understood, the first support is supported to the base frame at pivot 18 and adjustment handle 19. This would appear to be the only means of support for the table surface. The second and third supports would appear to be pivotally attached to the first support. The second and third support do not appear to be supported by the base frame.

Claim 10 now recites the machine further comprises “an extendable support which is movably mounted at said second support so as to accommodate different thigh lengths of users”. It is not clear where in the original disclosure there is support for an extendable support. The specification recites “The joining mat 14 may be extendable longitudinally for different lengths of the user's thighs.” Where is this “extendable support”? Since the second support is rotatably mounted at the base frame and the third support is rotatably mounted to the second support it is not clear how the second support can also be extendable.

Claim 37 recites that the heat transmitter moves to a lowered position that “is substantially below said planar surface”. It is not clear where in the specification there is support for such a limitation. The specification recites that a top surface of plate 25 is substantially lower than the surface of the main mat 11. Plate 25 is a cover plate between two of the heat transmitters that appears to be spaced a fixed distance below the surface of the planar surface.

This doesn't specifically require that the heat transmitters themselves are lowered to a position that is substantially below the planar surface.

To any extent the claims are understood and appear to be supported by a clear and complete disclosure, the following appears to be appropriate.

Claims 8, 10, 11, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee '520 in view of Wettlaufer.

Lee teaches in figures 4A and 4B for example, a body having a first support 210, a second support 216 pivotally mounted to the first support 210 (column 6, lines 30-31), a slot 212 centrally disposed in the first support 210 and a heat-transmitter 100 reciprocating in the slot 212 wherein the first support and the second support are rotatably mounted with respect to each other. While Lee may not teach a third support for supporting the feet of the user such would have been obvious in view of Wettlaufer. Wettlaufer teaches that a therapeutic table can have articulating first, second and third supports that pivot relative to each other to be able to manipulate the human body into comfortable and beneficial postures. Wettlaufer may not teach using an actuator for manipulating each support however, using an actuator to replace something done by hand would have been obvious to one of ordinary skill in the art. It would have been obvious to one of ordinary skill in the art to modify Lee to use a third support member for supporting the lower legs and feet as taught by Wettlaufer for manipulating the human body into comfortable and beneficial postures and to use an actuator to replace the manual manipulation of the relatively moving supports since it is obvious to provide the use of electronic components for ease in operation.

Regarding claim 6, Wettlaufer also teaches including vibrators 56 on the machine for providing therapy. It would have been obvious to one of ordinary skill in the art to modify Lee to include vibrators as taught by Wettlaufer to provide the added benefit of vibration therapy.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 8 above, and further in view of Little.

It would have been obvious to one of ordinary skill in the art to further modify Lee to include handrails as taught by Little at 8 so that the user can help manipulate their body into proper position on the table surface.

Claims 15, 16, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee '520 in view of Lamb et al.

Lamb teaches using clamp pads for clamping opposite sides of the body so as to better position the body in a specific location. Lamb also teaches column 5, lines 53-56 that there is a single knob to permit simultaneous adjustment of the pads. It would have been obvious to one of ordinary skill in the art to modify Lee to include simultaneously adjustable pads on the table as taught by Lamb so as to be able to position the patient on the table for properly aligning the spine of the patient relative to the reciprocating heat transmitter.

Claims 23, 24, 25, 27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lee '520.

Lee teaches a body in figures 4A and 4B having a support 210 with a slot 212 and a saddle 120, 121 reciprocating inside the slot, at least one heat-transmitter 100 mounted on the saddle 120, 121 and movable in a perpendicular direction to the planar surface as shown in figure 5C. Lee also teaches a compliant structure at pivot 13 that allows it to comply angularly with the

shape of the human spine. Regarding claim 27, Lee teaches motor 240 for moving the heat transmitter linearly so as to move the heat transmitter in a direction perpendicular to the planar surface.

Claims 28, 29, 34, 35, 37, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim '284 in view of Shuji (EP 2000167001).

Lim teaches a body including a support having a slot figure 1 for example, a saddle 130 supporting a heat transmitter 132, an actuator to move the heat transmitter perpendicularly to the planar surface. While Lim may not teach a force sensor such is taught by Shuji. It would have been obvious to one of ordinary skill in the art to modify Lim to include a force sensor to regulate the amount of pressure being applied to the patient.

Regarding claim 35, Lim teaches a rolling massage actuator in figures 7 and 8 for massaging the patient.

Regarding claims 37 and 38 as understood, Lim teaches a plate 120 that is substantially below the planar surface.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lim '284.

Pneumatic cylinders are not new. Pneumatic cylinders are conventional means for providing a linear reciprocating motion. Lim teaches, for example, in figure 6 of a linear actuator 158, 159 in the form of a motor and rotating shaft. It would have been obvious to one of ordinary skill in the art to modify Lim to use any other conventional linear actuator that provides the same linear motion as an obvious equivalent alternative means for producing the same results.

Claims 1, 4-6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action.

Applicant's arguments with respect to claims 5, 8, 10, 11, 13, 15, 16, 20, 23-29, 34, 35, 37-39 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danton DeMille whose telephone number is (571) 272-4974. The examiner can normally be reached on M-F from 8:30 to 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu, can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

1 February 2008

/Danton DeMille/

Danton DeMille
Primary Examiner
Art Unit 3771